

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
NETSAT 28 COMPANY, L.L.C. ) File No. 194-SAT-P/LA-95
For Authority to Construct, Launch and Operate a ) IBFS File No. SAT-LOA-19950429-00150
Ka-band Communications Satellite Service in )
Orbital Location 95° W.L. )

ORDER

Adopted: March 15, 2002

Released: March 18, 2002

By the Deputy Chief, Satellite and Radiocommunication Division, International Bureau:

1. By this Order, we grant NetSat 28 Company, L.L.C.'s ("NetSat 28's") Motion to Dismiss its Application for Review of the NetSat 28 Revocation Order.

2. In 1997, the International Bureau ("Bureau") authorized NetSat 28 to construct, launch and operate a geostationary-orbit satellite at 95° W.L. in the Ka-band to provide fixed satellite service in the United States. In June 2000, the Bureau released an Order declaring the NetSat 28 license null and void finding that NetSat 28 failed to comply with its construction commencement milestone. On July 26, 2000, NetSat 28 filed an Application for Review of the NetSat 28 Revocation Order. Subsequently, in December 2000, NetSat 28 filed a Petition for Waiver of the construction commencement milestone specified in the NetSat 28 Authorization Order.

3. In May 2001, the Bureau released a Memorandum Opinion and Order granting NetSat 28's Petition for Waiver. The Bureau concluded that NetSat 28 had shown good cause for a waiver of its construction commencement milestone, and reinstated NetSat 28's license.

4. In light of the foregoing, the pending Application for Review of the NetSat 28 Revocation Order is rendered moot. Accordingly, IT IS ORDERED, that NetSat 28's Motion to Dismiss IS GRANTED and the Application for Review is DISMISSED.

1 NetSat 28 Company, L.L.C., Memorandum Opinion and Order, 15 FCC Rcd 11321 (Int'l Bur. 2000) ("NetSat 28 Revocation Order").

2 The "Ka-band" generally refers to the space-to-Earth (downlink) frequencies at 17.7-20.2 GHz and the corresponding Earth-to-space (uplink) frequencies at 27.5-30.0 GHz.

3 NetSat 28 Company, L.L.C., Order and Authorization, 13 FCC Rcd 1392 (Int'l Bur. 1997) ("NetSat 28 Authorization Order").

4 NetSat 28 Revocation Order, 15 FCC Rcd 11321.

5 NetSat 28 Company, L.L.C., Memorandum Opinion and Order, 16 FCC Rcd. 11025 (Int'l Bur. 2001).

5. IT IS FURTHER ORDERED that this Order is issued pursuant to Section 0.261 of the Commission's Rules, 47 C.F.R. § 0.261. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's Rules, 47 C.F.R. §§ 1.106 and 1.115, may be filed within 30 days of the date of public notice of this Order (*see* 47 C.F.R. § 1.4(b)(2)).

## FEDERAL COMMUNICATIONS COMMISSION

Cassandra C. Thomas  
Deputy Chief  
Satellite and Radiocommunication Division